IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.51520-M of 2006

DATE OF DECISION:21.11.2006

Rajesh Kumar .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri R.K.Gupta, Advocate
for the petitioner.

Shri N.S.Gill, AAG, Punjab.

Shri Mohinder Kumar, Advocate
for the complainant.

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Petitioner Rajesh Kumar apprehending his arrest in a non-bailable offence in case FIR No.439 dated 18.7.2006 registered under Sections 406/353/186/506 IPC at Police Station Sadar, Patiala, has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

In the FIR, it has been alleged that the petitioner Rajesh Kumar, who is the proprietor of M/s Haryana Milk Trading Company, Jind has not paid an amount of Rs.10 lacs pertaining to supply of milk by the complainant-Society on credit. It has also been alleged that he is in arrears of 3212 Trays of Verka Marka.

Counsel for the respondent-State on instruction from ASI Amarjit Singh states that during the investigation, the complainant-Society could not explain how and when the milk was supplied on credit, as there is

no such provision and even the bills and vouchers of supplying the milk have not been produced before the Investigating Officer by the complaint.

Counsel for the petitioner contends that in view of the order dated 29.8.2006, the petitioner has joined the investigation. This fact has not been disputed by the State Counsel.

In view of the above, the interim bail, granted vide order dated 29.8.2006 is made absolute subject to the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioner shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

November 21, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**